

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMIE MANZ,

Plaintiff

v.

C-1-11-230

CLERMONT COUNTY, OHIO,
et al.,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 31) and plaintiff's objections thereto (doc. no. 32). The Magistrate Judge recommended that defendants' Motion for Summary Judgment (doc. no. 14) should be granted and plaintiff's federal claims should be dismissed with prejudice; plaintiff's state law claims should be dismissed without prejudice; and defendants' Motion to Dismiss (doc. no. 13) should be denied as moot.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 31). Defendants' Motion for Summary Judgment (doc. no. 14) is GRANTED and plaintiff's federal claims are DISMISSED WITH PREJUDICE; plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE; and Defendants' Motion to Dismiss (doc. no. 13) is DENIED AS MOOT.

Additionally, in the Report and Recommendation, the Magistrate Judge considered plaintiff's Motion to Vacate the Preliminary Pretrial Order (doc. no. 7) filed October 21, 2011, which set the discovery deadline as April 20, 2012 (doc. no. 16).

The Magistrate Judge held that plaintiff failed to demonstrate that he qualified for additional discovery under Rule 16(b)(4) or Rule 56(d). The reasoning of the Magistrate Judge is set forth in the Report and Recommendation at pages 5-10, where the total history of discovery in the case is correctly set forth.

The Order denying the plaintiff's Motion to Vacate is not clearly erroneous and is AFFIRMED.

This case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court